REMARKS

Formal Matters

Claims 1-12 constitute all currently pending claims in the Application. Claims 1 and 4 are amended.

Applicant thanks the Examiner for acknowledging the receipt of priority documents submitted under 35 U.S.C. § 119, and for acknowledging the drawings filed on May 4, 2004.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-12 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner alleges that the phrase "not using an IP level protocol" in claim 1 is not supported by the specification. In the interest of expediting prosecution, Applicant hereby amends this portion of claim 1 to read "using a protocol at a sub-IP level." Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 4 is hereby amended in response to the Examiner's comments. Applicant respectfully submits that amended claim 4 is not now indefinite. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Claim Objections

Claim 1 stands objected to for a minor informality. Claim 1 is hereby amended to address the Examiner's objection. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

Claim Objections Under 35 U.S.C. § 103

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over

EP 1089506 to Cao ("Cao"). Applicant traverses this rejection for at least the following reasons.

Claim 1

Firstly, the Examiner concedes that Cao "fails to explicitly disclose a second network

management system managing said designated second network." (Office Action at 4.) The

Examiner asserts that it would have been obvious to one skilled in the art to "include some form

of network management system a second network (SONET/STH 1216), for the purpose of

managing and supporting the functions performed by the network."

Applicant respectfully disagrees with this assertion. Cao only contemplates one network

management system, and contains no suggestion whatsoever of a second network management

system. In the amendment filed on September 24, 2007, Applicant emphasized that such a

teaching is clearly not inherent to the system of Cao, and that if the Examiner intends to rely

upon official notice, the Examiner must "cit[e] a prior art reference where the facts asserted to be

well known are not capable of instant and unquestionable demonstration as being well-known."

MPEP § 2144.03[A]. However, the Examiner has provided no further reference or justification

for this assertion.

Secondly, Claim 1 recites "control means" which, <u>inter alia</u>, "determines, using said data,

whether available resources exist that satisfy said at least one service criterion; and <u>if said</u>

<u>resources exist</u>, forwards said call transfer request to a <u>second control apparatus connected to a</u>

<u>second network management system</u> managing said second network."

Cao not only lacks any teaching or suggestion of a second network management system,

as discussed above, but also lacks any teaching or suggestion of a second control apparatus

connected to such a second network management system. Thus, no less than two explicit

structural components recited in claim 1 are asserted as "obvious" by the Examiner, even though

the sole reference applied lacks any teaching or suggestion of such components.

Furthermore, regarding the forwarding of the "call transfer request," the Examiner sites

col. 22, lines 29-32 of Cao. This portion of Cao states the following: "Step 3: ATM/IP side of

CAP1 forwards provisioning information to its SONET side, which includes bandwidth

requirement information and management NSAP address of CAP2." However, claim 1, as

quoted above, requires that the call transfer request is forwarded to the "second control

apparatus." Since neither a second control apparatus nor a second network management system

are taught or suggested by Cao, the Examiner cannot assert that a call transfer request is

forwarded to a second control apparatus in Cao.

<u>Claims 2, 5, 6, 7, and 8</u>

In the amendment filed on September 24, 2007, Applicant separately presented extensive

additional arguments with respect to claims 2, 5, 6, 7, and 8. In the instant Office Action,

however, the Examiner fails to respond to any of these arguments. Applicant is, therefore,

forced restate these arguments as follows:

<u>Claim 2</u>

Claim 2 requires that "said service criterion is selected from a group comprising at least quality of service, ability to protect/restore a link, and security." The Examiner cites col. 23, lines 35-37 of Cao as allegedly teaching the elements of claim 2. Although this portion of Cao appears to discuss a "bandwidth requirement" for supporting "QoS," this portion of Cao fails to teach or suggest either the "ability to protect/restore a link" or "security," as recited in claim 2. Thus, for at least these additional reasons, Cao fails to teach or suggest each and every element of claim 2, and therefore, fails to render claim 2 unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim 5

Claim 5 requires that "said modes are selected from a group comprising at least VPN, optical VPN, and IPSec." The Examiner cites col. 22, lines 4-16 of Cao as allegedly teaching the elements of claim 5. This portion of Cao appears to discuss the contents of the "physical path provisioning information," which includes the bandwidth required, along with various provisioning information; however, the cited portion of Cao fails to teach or suggest any of a VPN, optical VPN, and IPSec, as required by claim 5. Thus, for at least these additional reasons, Cao fails to teach or suggest each and every element of claim 5, and therefore, fails to render claim 5 unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim 6

Claim 6 requires that "some of said data defines restoration links and associated resources." The Examiner cites col. 23, lines 44-58 of Cao as allegedly teaching the elements of claim 6. This portion of Cao appears to discuss "the process of initializing, establishing a CAP path and dynamically allocating bandwidth;" however, the cited portion of Cao fails to teach or suggest anything regarding "restoration links," as required by claim 6. Moreover, the cited portion of Cao refers to Fig. 14, which also fails to teach or suggest anything regarding "restoration links." Thus, for at least these additional reasons, Cao fails to teach or suggest each and every element of claim 6, and therefore, fails to render claim 6 unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim 7

Claim 7 requires "memory, in which said control means stores received data in the form of a connectivity matrix between border routers of the first network." The Examiner cites col. 21, lines 52-57, and col. 22, lines 1-16 of Cao as allegedly teaching the elements of claim 7. This portion of Cao appears to discuss the contents of the "physical path provisioning information" sent to the "ATM/IP side of CAP1," including the bandwidth required, and various provisioning information; however, the cited portion of Cao fails to teach or suggest that data received by the ATM/IP side of CAP1 is stored "in the form of a connectivity matrix between border routers, " as required by claim 5. Thus, for at least these additional reasons, Cao fails to teach or suggest each and every element of claim 7, and therefore, fails to render claim 7 unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim 8

Claim 8 recites a "a third network connected to the first network and of a different type, and from which said call transfer request comes." The Examiner cites col. 21, lines 28-47 of Cao as allegedly teaching the elements of claim 8.

This portion of Cao describes Fig. 12, which depicts the three networks 1208, 1216, and 1210. As discussed above, the Examiner appears to associate the ATM/IP network 1208 with the "first network," and the SONET/SDH network 1216 with the "second network" of claim 1, from which claim 8 depends. Claim 8, however, requires that the "call transfer request" comes from "a third network connected to the first network." In Fig. 12 of Cao, the ATM/IP network 1208, which the Examiner associates with the "first network," is connected only to the network 1216, not the network 1210. Thus, according to the Examiner's interpretation, there is no "first network" connected to "a third network" in Cao, as is required by claim 8. Thus, for at least these additional reasons, Cao fails to teach or suggest each and every element of claim 8, and therefore, fails to render claim 8 unpatentable. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

(Amendment of September 24, 2007 at 9-11.)

Applicant emphasizes that "[w]here the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it." MPEP § 707.07(f) (emphasis added). Since the Examiner has failed to directly address any of the above-quoted arguments, thereby delaying prosecution, Applicant respectfully requests that the finality of the instant Office Action be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

        This Application is being filed via the USPTO Electronic Filing System (EFS).

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the

above-identified Office Action for an appropriate length of time if necessary. Any fee due under

37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is

also directed and authorized to charge all required fees, except for the Issue Fee and the

Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said

Deposit Account.

                                        Respectfully submitted,

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